

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

JOEL DESERTO,

Plaintiff,

v.

Case No. 1:22-cv-00096-JRH-BKE

AIYAN DIABETES CENTER, INC.,  
and DR. SIVAKUMAR JAYABALAN,  
in his Personal Capacity,

Defendants.

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**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO  
RESPOND TO PLAINTIFF'S COMPLAINT AND TO RESPOND TO  
PLAINTIFF'S MOTION FOR REPAYMENT OF COSTS**

Defendants, Aiyana Diabetes Center, Inc. and Dr. Sivakumar Jayabalan (“Defendants”) by and through their undersigned counsel, respectfully move for an extension of time up to and including October 21, 2022, for Defendants to answer, move or otherwise respond to Plaintiff’s Complaint, [Doc. 1], and to respond to Plaintiff’s Motion for Repayment of Costs Associated with Service of Defendants and Collection of Such (“Plaintiff’s Motion”), [Doc. 12], and state the following in support:

1. On or about July 26, 2022, Plaintiff filed a Complaint. [Doc. 1.]

2. On or about September 15, 2022, Defendant, Aiyon Diabetes Center, Inc. was served with the Complaint, making its response due October 6, 2022.
3. On or about September 19, 2022, Defendant, Dr. Sivakumar Jayabalan, was served with the Complaint, making his response due October 10, 2022.
4. On or about September 30, 2022, based on Defendants' alleged failure to waive service of the Complaint, Plaintiff filed his Motion for Repayment of Costs Associated with Service of Defendants and Collection of Such ("Plaintiff's Motion"), [Doc. 12]. The response to this Motion is due October 14, 2022. [*See id.*]
5. Counsel for the Defendants was recently retained and are in the process of intaking and reviewing Defendants' files relevant to the underlying litigation. In order to fully investigate and formulate an appropriate response(s) to the Complaint and explore the possibility of early resolution, counsel for Defendants respectfully request a brief extension of time, up to and including October 21, 2022, for all Defendants to respond to Plaintiff's Complaint and to respond to Plaintiff's Motion.
6. This extension is not being sought for purposes of delay, nor will this brief extension prejudice any party to the litigation.

7. The undersigned has discussed the subject matter of this Motion with Plaintiff's counsel. Plaintiff does not oppose the relief sought herein.

### **MEMORANDUM OF LAW**

This Court may grant the requested enlargement of time for good cause shown when the request is made before the original time expires. Fed. R. Civ. P. 6(b).

The Defendants' request for an extension of the deadlines are made in good faith and do not prejudice Plaintiff. Permitting the extension will enable Defendants to respond to the Complaint and Motion following analysis of the relevant files and it will enable counsel to explore the possibility of early resolution. For these reasons, Defendants request the Court extend the deadline to respond to the Complaint and Motion.

WHEREFORE, Defendants, Aiyan Diabetes Center, Inc. and Dr. Sivakumar Jayabalan, respectfully request an extension of time up to and including October 21, 2022, for Defendants to answer, move or otherwise respond to Plaintiff's Complaint and to respond to Plaintiff's Motion for Repayment of Costs Associated with Service of Defendants and Collection of Such.

Respectfully submitted this 5th day of October 2022.

Respectfully submitted,  
SPIRE LAW, PLLC  
2572 W. State Road 426, Suite 2088  
Oviedo, Florida 32765

By: /s/ Ian E. Smith  
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Attorneys for Defendants | Aiyan Diabetes  
Center, Inc. and Dr. Sivakumar Jayabalan

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1D**

In accordance with Rule 7.1D, I hereby certify that the foregoing was prepared using Times New Roman, 14 point, one of the font and point selections approved by the Court in Local Rule 5.1B.

By: /s/ Ian E. Smith  
Ian E. Smith, Esq.

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**CERTIFICATE OF SERVICE**

I certify that on this 5th day of October 2022, I electronically filed the foregoing DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT AND TO PLAINTIFF'S MOTION FOR REPAYMENT OF COSTS with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

Respectfully submitted,  
SPIRE LAW, PLLC  
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By: /s/ Ian E. Smith  
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